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# Texas Secretary of State reports

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Report of the Secretary of State of the State of Texas, <1855>

Report, <1857>

# REPORT.

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EXECUTIVE OFFICE, }  
AUSTIN, November 6th, 1857. }

*To the Hon. Senate and House of Representatives :*

I transmit, herewith, the report of the Secretary of State, in regard to the operations of his office, for the past two years. You will find in this report many suggestions worthy of consideration.

E. M. PEASE.

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DEPARTMENT OF STATE. }  
AUSTIN, October 29, 1857. }

TO HIS EXCELLENCY,  
THE GOVERNOR :

I respectfully submit the following report of the transactions of this Department of the Government, since the 21st of December, 1855, up to this date, and of its present condition.

The most important duty devolving upon the Secretary of State; is the dissemination of the laws among the people; considerable delay occurred in the discharge of this duty, as to the laws of both sessions of the last Legislature, and other books, notwithstanding prompt measures were adopted to get them out, and it is but just that the causes which induced it should be stated.

In the first place, the Hon. Legislature did not, at its first session, make the necessary appropriation to pay for the dis-

tribution of the laws, journals &c., and this proved a difficulty of no trivial character, as it is difficult to contract with persons for the performance of such labor when they have to await the action of a subsequent Legislature for compensation, and contracts made under such circumstances, are generally less favorable to the State, than when made and entered into with the expectation of being paid immediately upon the execution of the work. This obstacle was in some degree, removed, however, by the early reassemblage of the Legislature. Contracts were proposed and awarded for the distribution of the laws, journals &c., at the close of each session of the Legislature, and the necessary bonds prepared and forwarded the parties with instructions as to their execution, and notice given as to the time the books would be ready for delivery. The persons undertaking the labor failed in both instances to appear when directed, and sometime thereafter notified the Department of their abandonment of the contract. For some reason, the parties did not execute and return to the office, the bonds sent them. The first failure occurring but a short time before the re-assembling of the Legislature in July, and supposing that no material injury would result from the cause, it was concluded to delay the distribution of the laws of the winter session until those of the summer session of the Legislature; and the Codes, which were expected to be printed and delivered in season, were ready to go out, and at one and the same time, and under one contract, forward to the Counties, the whole number of laws, journals, codes &c., due them. In the mean time, a copy of the Laws, General and Special, were forwarded through the mail, to the Chief Justice of each County in the State, and the cost charged to the postage fund of this office. A contract was finally made with Sherman Case, of this County for the sum of sixteen hundred dollars, and all the laws, journals and other books due each County, well secured in cloth wrappers, were delivered him on the 13th day of February last, the period to which the distribution was necessarily postponed to await the arrival of the Codes. For the labor performed, the sum paid is not deemed excessive. There are some one hundred and sixteen Counties in the State, and the average number of books to each was about one hundred. The contractor, though some time in performing his task, has brought in the receipt of the proper officer of each County for the books, and they are safely filed in this office. It is proper to state here that as soon as a sufficient number of Codes were received.

one copy was forthwith dispatched through the mail to each District Judge and District Attorney in the State, and to the Chief Justice of each County.

I would respectfully submit that the law regulating the duties of the Secretary of State, should be so changed as to allow him more time to furnish the Public Printer with copies of the laws. He is required, within six days after the laws reach his office, to furnish copies to the printer, and subject as he is to be called upon during a session of the Legislature to perform other duties imposed upon him, this time, with only one clerk, is not sufficient. For the first month or six weeks of the session the labor may be performed, but after that the laws come so rapidly to the Department; that it is impossible to copy and compare them and furnish the copy within the time given.

I deem this a proper occasion to state that the assistance of this office should, I think, be increased. The duties imposed upon it are responsible and arduous; and at times, its business is so great, that with the aid now given, it cannot be discharged as early as the public interest requires. This was so, particularly the case after the close of the Summer session of the last Legislature, that I felt compelled to procure additional service. I engaged Mr. Philander Priestly, of this City, allowing him, subject to the approval of the Hon. Legislature, the monthly compensation allowed other clerks. There is now due him the sum of two hundred and thirty-seven dollars and fifty cents. His assistance was needed—he labored faithfully, and I respectfully ask that the Hon. Legislature will make the necessary appropriation to pay him.

It would not require the constant service of another Clerk to relieve the office, and as it is contemplated, I believe, to establish a State Library, I would suggest that the Librarian, if such an office be made, might labor in the State Department when necessary. It seems that this might be done, and in this way both offices be accommodated with the increased expense to the State of one office only.

I respectfully suggest the following amendments of the laws regulating the duties of Public Printer, and prescribing the prices to be paid for printing the laws and journals.

A thousand copies of the general laws should be added to the number now required to be printed, making the number five instead of four thousand. New Counties will probably be created by this and several subsequent Legislatures, all of

which will have to be supplied with the laws ; and the present Counties, by the frequent additions made to the number of their officers, are constantly increasing their demand for them. Applications for them are often made by Counties that have had them, those heretofore furnished having been lost by fire or in some other way. These considerations induce the recommendation above made, and I think the number proposed will not be greater than the wants of the State require. By a proper regulation of the price of the printing, the five thousand copies would, I presume, cost but little more than four.

More time should be given to the Public Printer to finish and deliver the laws at this Office. Without intending any reflection upon the work of the present Printers, I think such a change would be beneficial to the State by the better security it would afford for the good and durable printing and stitching of the laws and journals.

The Printer should be required to trim as well as fold and stitch the laws and journals; and for the better preservation of the laws, I would recommend that they be bound in a cheap and substantial style. This, I suppose, might be done at a cost of about fifteen cents per copy.

I should have stated in my former report, but it escaped my memory, that a difference of opinion had occurred with the Printers as to the prices to be paid for the Public Printing. The difference arose upon accounts for printing the Appendix Journals of the 5th Legislature, which were made up in great part of what printers term *rule* and *figure* work. It was contended that the prices specified in the law relate to what is denominated *plain* work, and that for *rule* and *figure* work double those prices should be allowed, or that one page of *rule* and *figure* work is equal to two of *plain*—such is the rule among printers, I am informed, and it may be very just, but I do not think the law fixing the prices of the public printing intends to recognize this rule, and I have not felt at liberty to depart from its direction in passing upon bills for printing. Under these circumstances I felt it due the present Public Printers and myself, to notify them of my opinion of the law, and that I should adhere to it unless differently instructed by the Legislature. If a distinction in the printing is intended to be recognized, I would, for the future relief and convenience of this Department and of the Public Printers, suggest that the law be so changed as to state the prices to be paid for the different kinds of printing.

The amendment proposed to the Constitution by the last Legislature, and submitted to the voters of the State at the election in August past, was defeated. In placing it before the people, your Excellency was particularly careful to recommend it to their attention, and to endeavor to provide against its failure from misapprehension on the part of the electors, or mistake on the part of the managers of the election. Still it failed. The vote given for and against the amendment, according to the returns of said election, amounts to twenty-nine thousand eight hundred and fifty-eight; and of this number eighteen thousand seven hundred and fifty-six are for, and eleven thousand one hundred and two against it, showing a majority in favor of the amendment of seven thousand six hundred and fifty-two votes. But the Constitution requires that, to succeed, it should have received a majority of the votes of all those voting for Representatives in the Legislature, and as there appears to have been forty-eight thousand seven hundred votes given in the State for Representatives in the Legislature, it is found that the amendment did not receive the vote required.

Bills for publishing the Proclamation of your Excellency submitting said amendment to the electors of the State, have been received from thirty-nine papers, amounting together to the sum of \$2026 85; and it is estimated that the accounts of the papers not yet heard from will increase this sum at least one thousand dollars, making the cost of the publication of said proposed amendment about \$3026 85. No fund having heretofore been provided to meet this charge against the State, it will devolve upon the Hon. Legislature to make the necessary appropriation to pay it.

I feel it incumbent upon me to make known, through your Excellency, to the Hon. Legislature, the want, on the part of this Department, of a sufficient supply of the laws, reports and other books, to answer the necessities of the State. The laws inclusive of those of the regular Session of the Third Legislature are included in Hartley's Digest; those enacted since that time are included in pamphlet form only; of Hartley's Digest there are now in this Office about twenty-five copies—a number far too small to meet the present demands of the counties for them. Of the laws of the last Legislature there is a sufficiency for present uses, but of the Third and Fourth Sessions very few, and of the First, Second and Fifth, none. Except the Sixteenth Volume *just received*, the State

is without an adequate supply of the Reports of the Supreme Court. So true is this as to the first several Volumes, that some of the counties last created and organized are destitute of them.

It will thus be seen that there must be a complete re-print of the laws now in force, or a re-purchase of the Digest, and a re-print of those laws not contained therein and of which the State is without copies—a re-purchase of the Supreme Court Reports from the first to the fifteenth Volume inclusive. Indeed, three hundred copies of each Volume, barely answer now to meet the disposition which the law directs of them.

In my former Report to your Excellency, I invited the attention of the Hon. Legislature to the neglected and exposed condition of this Department, and asked that a better and securer building than the one then occupied, be provided for it. Though no provision was made for its better accommodation and security, it was understood to be admitted that it should be removed, and acting upon this impression, under the direction and sanction of your Excellency, the Office was removed to the rooms in the Capitol now occupied and used for it. Its Archives are now safe and protected from the injuries and dangers attending and threatening them before their removal. I have endeavored to so direct and arrange its business as that anything pertaining to it may be readily ascertained. In it will be found, as the Constitution requires, a full and complete record of the official acts of your Excellency. It has been my wish to so administer it as to protect and advance the interests of the State committed to its charge, and make it useful to my fellow-citizens, and if I have failed to do so, it has not resulted from want of desire and effort.

I should be derelict in justice to Mr. Holland, who has labored with me during the time I have had charge of the Office, if I failed to acknowledge my indebtedness to him for the efficient aid rendered me in the discharge of my labors, and I trust I may be excused for taking this occasion to extend to him my thanks, and the commendation due his business capacity and faithful and constant devotion to duty.

I have the honor to be,

Very respectfully, &c.,

EDWARD CLARK.